

BEFORE THE GOVERNING BOARD OF THE
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

IN THE MATTER OF:

ORDER NO. SFWMD 2007-059-DAQ-WS

Governing Board Concurrence with
Declaration of Emergency Water
Shortage Restrictions Affecting the
Diversion and Impoundment Use Class
Permittees withdrawing water directly
from or otherwise connected to Central and
Southern Florida Flood Control Project Canals
and/or Water Conservation Area 1, Water
Conservation Area 2, and Water Conservation
Area 3 within the Lower East Coast Region,
including the Loxahatchee River Water Use Basin,
C-18 Water Use Basin, Interior Palm Beach County
Water Use Basin, North Palm Beach County Water
Use Basin, M-Canal Water Use Basin, Water
Conservation Area 1/West Palm Beach Canal
Water Use Basin, Water Conservation Area 2
Water Use Basin, Water Conservation Area 3
Water Use Basin, and South Dade Water Use Basin,
and the Water Conservation Areas/Everglades
National Park Water Conservation Areas/Everglades
National Park Water Use Basin within Palm Beach,
Broward, and Miami-Dade Counties.

**FINAL ORDER OF GOVERNING BOARD CONCURRENCE
WITH AND MODIFICATION OF THE EXECUTIVE DIRECTOR'S DECLARATION OF
EMERGENCY WATER SHORTAGE RESTRICTIONS AFFECTING THE DIVERSION
AND IMPOUNDMENT USE CLASS PERMITTEES WITHIN SPECIFIED AREAS**

This cause having come before the Governing Board of the South Florida Water Management District ("District"), at its meeting of April 12, 2007 for entry of a Final Order, and upon staff's recommendation, and being otherwise fully informed, the Governing Board issues this Order of Concurrence containing the following Findings of Fact and Ultimate Facts and Conclusions of Law.

FINDINGS OF FACT

1. On March 15, 2007, the Governing Board declared a Modified Phase I Moderate Water Shortage for all use classes withdrawing water from the Biscayne Aquifer and the surface waters within the Lower East Coast Region including the Interior Palm Beach County Water Use Basin, Loxahatchee River Water Use Basin, C-18 Water Use Basin, North Palm Beach County Water Use Basin, M-Canal Water Use Basin, Water Conservation Area 1-West Palm Beach Canal Water Use Basin, the WCA 2 and 3 Water Use Basins, South Dade Water Use Basin, and the Water Conservation Areas/Everglades National Park Water Use Basin within Martin, Palm Beach, Broward, Miami-Dade, and Monroe Counties, Order No. 2007-034-DAO-WS.

2. On April 4, 2007, the Executive Director of the District issued an, Emergency Order affecting the Diversion and Impoundment Use Class Permittees withdrawing water directly from or otherwise connected to Central and Southern Florida Flood Control Project Canals and/or Water Conservation Area 1, Water Conservation Area 2, and Water Conservation Area 3 within the Lower East Coast Region, including the Loxahatchee River Water Use Basin, C-18 Water Use Basin, Interior Palm Beach County Water Use Basin, North Palm Beach County Water Use Basin, M-Canal Water Use Basin, Water Conservation Area 1/West Palm Beach Canal Water Use Basin, Water Conservation Area 2 Water Use Basin, Water Conservation Area 3 Water Use Basin, and South Dade Water Use Basin, and the Water Conservation Areas/Everglades National Park Water Conservation Areas/Everglades National Park Water Use Basin within Palm Beach, Broward, and Miami-Dade Counties. A copy of that Order, Emergency Water Shortage Order No. 2007-054-DAO-WS is attached hereto and incorporated herein by reference as Exhibit "A".

3. The Executive Director found that an emergency situation existed due to drought conditions and the immediate need to protect public water supply wellfields and assure efficient and equitable delivery of the remaining water supply to the affected region, among other things.

4. The Executive Director determined that remedial measures were necessary to protect the public health, safety, and welfare; the health of animals, fish or aquatic life, and/or reasonable-beneficial uses.

5. Based on the unanticipated below average rainfall received, projected levels of user demands, and the continued projection for below average rainfall, the potential for serious harm to the water resources was significant, as contemplated under Section 373.246(7), Florida Statutes ("F.S."). The imposition of acute water shortage restrictions on diversion and impoundment permitted users as set forth in Order No. 2007-054-DAO-WS is warranted.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

6. Section 373.246, F.S., authorizes the Executive Director, with the concurrence of the Governing Board, to issue emergency orders where the public health, safety, or welfare; the health of animals, fish, or aquatic life; a public water supply; or recreational, commercial, industrial, agricultural, or other reasonable uses are not sufficiently protected by the water shortage plan.

7. Section 373.119(2), F.S., authorizes the Executive Director of the District, in the event of an emergency requiring immediate action to protect the public health, safety or welfare, with the concurrence of the Governing Board and without prior notice, to issue an order reciting the existence of such an emergency and requiring that such action be taken as deemed necessary.

8. Section 373.246, F.S., authorizes the Governing Board to adopt a water shortage plan to regulate the withdrawal and use of water so as to protect the water resources of the District. Chapter 40E-21, Florida Administrative Code ("F.A.C."), is the water shortage plan adopted by the Governing Board.

9. Rule 40E-21.251, F.A.C., establishes four phases of water shortage: moderate, severe, extreme and critical, as set forth in Part V of Chapter 40E-21, F.A.C.

10. Rule 40E-21.271, F.A.C., recognizes the restrictions contained in Part V of Chapter 40E-21, F.A.C., are general water use restrictions and also authorizes the imposition of any combination of restrictions in lieu of or in addition to those in Part V, Chapter 40E-21, F.A.C.

11. Pursuant to Rule 40E-21.391(4), F.A.C., the Governing Board is authorized to modify the Executive Director's declaration of a water shortage emergency.

12. Pursuant to subsection 373.083(5), F.S., and District Policies and Procedures, Section 101-22(b), the District's Governing Board delegated to the Executive Director and General Counsel authority to execute final orders following Governing Board action.

13. A Notice of Rights is attached as Exhibit "B".

ORDER

Based on the foregoing Findings of Fact and Ultimate Facts and Conclusions of Law, it is hereby ordered that:

14. The Governing Board hereby concurs with the Executive Director's Emergency Order described herein and declares that acute water shortage conditions exist such that the cessation of withdrawals by diversion and impoundment permitted

users in excess of the restrictions set forth in the most stringent restrictions found in Rule 40E-21.551, Phase IV Critical Water Shortage, was required.

15. Subparagraph 4.a. of paragraph 39 of Emergency Water Shortage Order 2007-054-DAO-WS is modified to clarify that the intent of the Order is to make the conditions applicable to the authorization of temporary pumping facilities located within the District's rights of way in subparagraph 4.b. A-J of paragraph 39 also applicable to subparagraph 4.a. of paragraph 39.

16. Exhibit A of Emergency Water Shortage Order 2007-054-DAO-WS is corrected to reflect all of the diversion and impoundment permitted users affected by restrictions as set forth in that Order. The corrected exhibit is attached hereto and incorporated herein as Exhibit C.

DONE AND ORDERED this 12th day of April, 2007, at a public meeting held at 3301 Gun Club Road, West Palm Beach, Florida 33406.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
BY ITS GOVERNING BOARD

ATTEST:
BY: Jackie McGarty
Assistant Secretary

BY: Carol Ann Wehle
CAROL ANN WEHLE
Executive Director

DATE: 4/12/2007

LEGAL FORM APPROVED:
BY: E. D. Rom

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA**

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SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

IN THE MATTER OF:

Order No. 2007- 054- DAO-WS

Declaration of Emergency Water Shortage Restrictions
For Diversion and Impoundment Use Class Permittees
withdrawing water directly from or otherwise connected to
Central and Southern Florida Flood Control Project Canals
and / or Water Conservation Area 1,
Water Conservation Area 2, and Water Conservation Area 3
Within the Lower East Coast Region, including the
Loxahatchee Water Use Basin, C-18 Water Use Basin, Interior
Palm Beach County Water Use Basin,
North Palm Beach County Water Use Basin,
M-Canal Water Use Basin,
Water Conservation Area 1/West Palm Beach Canal Water
Use Basin, Water Conservation Area 2 Water Use Basin,
Water Conservation Area 3 Water Use Basin, and
South Dade Water Use Basin, and the
Water Conservation Areas / Everglades National Park
Water Conservation Areas / Everglades National Park
Water Use Basin within Palm Beach, Broward,
Miami-Dade Counties.

**DECLARATION OF EMERGENCY WATER SHORTAGE
RESTRICTIONS AFFECTING THE DIVERSION AND IMPOUNDMENT
USE CLASS PERMITTEES WITHIN SPECIFIED AREAS**

The Executive Director of the South Florida Water Management District
(hereinafter "District"), after considering recommendations of District staff and
being otherwise fully apprised of the matter, issues this Emergency Order
pursuant to Rules 40E-21.331(6) and 40E-21.371, Florida Administrative Code
("F.A.C."), based on the following Findings of Fact and Ultimate Facts and
Conclusions of Law.

FINDINGS OF FACT

1. The boundaries of the area of concern encompass all or portions of the Water Use Basins of the Lower East Coast Region particularly described as the Interior Palm Beach County Water Use Basin, Loxahatchee Water Use Basin, C-18 Water Use Basin, North Palm Beach County Water Use Basin M-Canal Water Use Basin, Water Conservation Area 2 Water Use Basin, Water Conservation Area 3 Water Use Basin, and the South Dade Water Use Basin; and the Water Conservation Areas / Everglades National Park Water Conservation Areas / Everglades National Park Water Use Basin as depicted on the attached and incorporated Exhibit A. These Basins are within Palm Beach, Broward, Miami-Dade Counties.

2. The water sources subject to this Order are surface waters within the above specified water use basins of the Lower East Coast Region that are derived from either the Central and Southern Florida Flood Control Project Canals and / or Water Conservation Areas ("WCA") 1, 2 and / or 3 as either surface water or ground water seepage.

3. The use class affected by this Order includes all diversion and impoundment permitted users identified in Exhibit A. The term "diversion and impoundment permitted users" is intended to include those entities whose water use is consistent with the description for a Diversion and Impoundment as described in the South Florida Water Management District Basis of Review for Water Use Applications at criterion 2.7.1 whether or not the use class identified on the existing consumptive use permit is specified as such, and that derive

water from the Central and Southern Florida Flood Control Project canals and /or the WCAs.

4. The WCAs are the primary water supply source to the Basins during the dry season. They are relied upon to manage groundwater levels east of the WCAs, recharge wellfields, supply water users, and prevent saltwater intrusion into the surficial aquifer system in the affected area. Lake Okeechobee is the back-up supply for dry season surface water recharge to the Lower East Coast Region and the WCAs. When levels in the WCAs recede below the minimum levels, known as the "floor elevation," as identified in the U.S. Army Corps of Engineers Water Control Manual for the Water Conservation Areas and Everglades National Park ("regulation schedule"), water deliveries to the Lower East Coast urban areas, east of the WCAs, are restricted to the volume imported into the WCAs from Lake Okeechobee. These are referred to as "pass through" deliveries from the Lake.

5. In the event water from the Lake or other water body is not available for "pass through" deliveries, further deliveries to the urban areas are prohibited, unless a deviation from the U.S. Army Corps of Engineers (USACE) regulation schedules for the WCAs is authorized pursuant to federal law.

6. Historically, deliveries from the Central and Southern Florida Flood Control Project, including the WCAs and Lake Okeechobee, to the Lower East Coast Region average 500 million gallons per day in the dry season. During the month of March, deliveries from the WCAs to the Lower East Coast Region exceeded 600 million gallons a day.

7. Based on declining water availability and the substantial water user demands, the Governing Board of the District imposed mandatory water shortage restrictions on the Lower East Coast Region at their March 15, 2007 meeting. Since that time, drought conditions have substantially intensified.

8. Persistent, low rainfall dating back to 2006 continues throughout the District. During the first 3 months of 2007, only 2.61 inches of rain has fallen District-wide; this is 37 percent of the historical average for the three-month period ending March 31, 2007. During the month of March, only 0.60 inch of rain fell District-wide; this is 21 percent of the historical average for the month. Compounding the lack of rainfall has been the consistently windy conditions, low humidity, and lack of cloud cover resulting in above average evapotranspiration rates.

9. The period from November 2005 through March 2007 produced a 17-inch deficit of rainfall and ranks as the 3rd driest 17-month period in recorded south Florida history. The U.S. Climate Prediction Center predicts below average rainfall for the month of April. Normally, the south Florida rainy season does not begin until late May; thus, prospects are poor for sustained, significant rainfall for the next month or two.

10. Water levels in WCA 2 dropped below its floor elevation on April 2, 2007; water levels within WCA 1 are rapidly approaching its floor elevation. The water level in WCA 3 also is expected to continue to drop closer to its floor, despite a recent rainfall reprieve. As of April 2, 2007, the level in WCA 1 was 14.38 feet NGVD, the level in WCA 2 was 10.46 feet NGVD, and the level in the

L-29 Canal in southern WCA 3 was 8.35 feet NGVD. The minimum levels identified in the regulation schedules for the water bodies are 14 feet NGVD for WCA 1, 10.5 feet NGVD for WCA 2, and 7.5 feet NGVD for WCA 3.

11. The District conducts operational outlook modeling using 36 years of historic data. Based on the results of this modeling, the monitoring location in WCA 1 is about to reach its minimum elevation and under the worst case scenario will remain below this elevation for 2-3 months. Similarly, WCA 2 will remain below its minimum elevation for 4-5 months. WCA 3 is expected to reach its minimum elevation by the middle of April 2007 and potentially remain below this elevation until September 2007.

12. The District has both verbally and in writing requested deviations from the USACE regulation schedules for the WCAs. However, even if the USACE approves the deviation requests, the amount of water made available to deliver to the Lower East Coast urban areas from the WCAs will be quite limited and must be judiciously managed.

13. The surficial aquifer system in the affected Basins provides drinking water supply to the millions of people residing in the Lower East Coast Region. The public water supply utility wellfields located near the saltwater interface are particularly vulnerable to intrusion. Deliveries of surface water from the WCAs to the coast are necessary to maintain sufficient fresh water levels in the surficial aquifer system to protect against saltwater intrusion. The surficial aquifer system in the affected Basins, including the Biscayne Aquifer, is one of the most permeable aquifers in the world. As such, groundwater elevations have the

potential to drop rapidly if supplemental surface water deliveries are not able to be sustained during dry times.

14. Although groundwater levels are currently near normal for this time of year, this condition is attributable to the recharge deliveries from the WCAs that have been occurring. Without recharge water from the WCAs, the District is gravely concerned that the potential exists for groundwater levels in the Lower East Coast Region to rapidly decline in response to user and public water supply utility withdrawals.

15. If the fresh groundwater levels decline, a significant potential for saltwater intrusion into the Lower East Coast Region's surficial, fresh water aquifers exists. If a public water supply wellfield becomes contaminated with saltwater, it may no longer be used to provide drinking water without desalinization treatment, thereby, threatening public health, safety and welfare. Moreover, once an aquifer experiences saltwater intrusion, it can take many years, if ever, for the saltwater front to be pushed seaward.

16. In addition to public water supply, there are numerous other users that rely on water from the surface water canals and recharged aquifer including golf courses, agriculture, and nurseries.

17 Without supplemental surface water deliveries from the WCAs, canal water levels are expected to decline substantially such that it will no longer be possible for users to obtain adequate water supplies. Significant economic impacts may result from these low levels.

18. In rural areas of the affected Basins, surface water in canals provide water supply for fire fighting purposes. Currently, drought conditions have elevated the potential for fires. Lack of water in these canals could represent an increased threat to public health, safety, and welfare.

19. The potential for delivering water from Lake Okeechobee to the coast is becoming physically impossible. The Lake's stage as of April 3, 2007 was 10.34 feet NGVD. The Lake's water levels have rapidly declined 0.88 feet in the last four weeks. The water level of Lake Okeechobee is approximately 4.5 feet below its historical average (1992 – 2000) for this time of year, and about 4 feet lower than it was in 2005 and 2006.

20. Continually declining low water levels in Lake Okeechobee have triggered the need to install and operate temporary forward pumps to deliver irrigation water to the Everglades Agricultural Area. Fourteen 100 cfs pumps are currently being installed at three existing structures that deliver water south of the Lake. These pumps are necessary to push water out of the Lake when the Lake's stages drop below approximately 10.5' NGVD. At elevations below 10.5' feet NGVD, gravity flows from the Lake drop to a point where they cannot be relied upon without the aid of pumps.

21. The temporary forward pumps in Lake Okeechobee have significantly limited capacities for delivering water to the WCAs and the coast, and will primarily be relied upon to provide water to the agricultural users within the Everglades Agricultural Area (EAA) at substantially reduced levels. Due to the very limited pump capacities and the large amount of conveyance losses that

occur as the water is transported many miles from the Lake to the coast, it is nearly physically impossible to use the temporary forward pumps to move water supplies to the coast and also attain an appreciable effect. In order to make even the most minimal deliveries to the coast, water supplies to the agricultural interests would need to be terminated for many days, as coastal deliveries are attempted.

22. In order to slow the decline in water levels in these already stressed water bodies, the District has imposed a series of water shortage cutbacks beginning in November, 2006. Additional, mandatory restrictions are being prepared and are expected to be imposed at the April 12, 2007 Governing Board meeting. These restrictions are anticipated to include more severe cutbacks to users within the Lake Okeechobee Service Area and increased cutbacks on all users within the Basins affected by this Order as well as additional Basins.

23. The diversion and impoundment use class identified in this Order constitutes, by far, the largest withdrawals from the WCAs.

24. Significant potential for harm to the natural resources, particularly in the WCAs and the surficial aquifer system, also exist as a result of these drought conditions; consideration must be given to minimizing these impacts when imposing water shortage restrictions. The potential for devastating wildfires and saltwater intrusion are paramount among these concerns.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

25. In regard to human consumption issues, the District has determined the drought's greatest threat to the public's health, safety, and welfare is the

potential for saltwater intrusion and possible contamination of public water supply wellfields in the Lower East Coast Region. Important, yet secondary, concerns include the potential for economic losses to the many users of the surface water supply.

26. Given limited water supply availability and numerous demands of both the natural resources and human consumption, the requirements of this Order impose restrictions and operational directives on diversion and impoundment permittees in order to manage the available surface water as efficiently as possible for the primary purpose of protecting public water supply wellfields.

27. The diversion and impoundment permitted users within the Lower East Coast Region serve a vital function in the delivery of surface water to recharge coastal wellfields and to both direct and indirect users. It is necessary to conform the water management activities of these diversion and impoundment permitted users to this Order in order to achieve the primary objective of wellfield protection.

28. The historically driest, most challenging months of the south Florida dry season remain, when hot, dry, and windy conditions cause maximum evapotranspiration and high water demands. Also, the rainy season may or may not begin 'on time' in early June. Even when it does begin to rain, it will be some time before the regional system is sufficiently recharged. Hence, emergency conditions exist such that immediate, unique, and prudent management of the remaining water supply is imperative.

29. Section 373.246, F.S., authorizes the Executive Director, with the concurrence of the Governing Board, to issue emergency orders where the public health, safety, or welfare; the health of animals, fish, or aquatic life; a public water supply; or recreational, commercial, industrial, agricultural, or other reasonable uses are not sufficiently protected by the water shortage plan. This Order shall recite the existence of such an emergency and require that such action be immediately taken, as necessary.

30. Section 373.119(2), F.S., authorizes the Executive Director of the District, in the event of an emergency requiring immediate action to protect the public health, safety or welfare, with the concurrence of the Governing Board and without prior notice, to issue an order reciting the existence of such an emergency and requiring that such action be taken as deemed necessary.

31. Section 373.246, F.S., authorizes the Governing Board to adopt a water shortage plan to regulate the withdrawal and use of water so as to protect the water resources of the District. Chapter 40E-21, F.A.C., is the water shortage plan adopted by the Governing Board.

32. Rule 40E-21.331 F.A.C., authorizes the Executive Director to declare a water shortage emergency for the affected source class.

33. Rule 40E-21.401, F.A.C., and permit conditions, authorize the District to obtain data concerning monitoring of water usage.

34. The District has monitored the condition of the water resources and the needs of the users as required by Rule 40E-21.331, F.A.C.

35. Based on the cumulative assessment of water availability in Lake

Okeechobee, the WCAs, and climate forecasts, there is a significant potential that sufficient water will not be available in the regional system to meet anticipated demands without mandatory restrictions on diversion and impoundment permitted users within the Lower East Coast Region. The rapid decline in surface water levels in the regional system, the potential for groundwater level declines, and the present and projected water demands in the Lower East Coast Region require the imposition of these mandatory water shortage restrictions.

36. Considering the above findings of fact, it is necessary to enter this Emergency Order imposing specific restrictions on the identified diversion and impoundment permitted users within the affected Basins.

37. The Executive Director may order any combination in lieu of or in addition to the restrictions in Part V, Chapter 40E-21, F.A.C., if necessary to achieve the percent reduction in overall demand, pursuant to Rule 40E-21.371, F.A.C, including, but not limited to, restrictions on the total amount of water diverted or impounded during at any given time; the timing of diversion or impoundment; restrictions on diversion rates; and the geographic location of water diversion.

ORDER

38. Based upon the above Findings of Fact, and Ultimate Facts and Conclusions of Law, the Executive Director orders that in accordance with Rules 40E-21.331 and 40E-21.371, F.A.C., a water shortage is declared and modified Water Shortage restrictions are imposed on all diversion and impoundment

permitted users identified in Exhibit A, located within the identified Basins that withdraw surface water or groundwater seepage directly or indirectly via canals from WCAs 1, 2, and / or 3. This Order supersedes the water shortage order issued by the District on March 15, 2007, Order No. 2007-034-DAO-WS, for the diversion and impoundment permitted users subject to this Order.

39. The specific restrictions are as follows:

1. **Withdrawal Facility Operation:**

a. **Cessation of Withdrawals:** All permitted diversion and impoundment use class permittees identified in Exhibit A are immediately directed to cease any and all withdrawals from the affected sources. Cessation of withdrawals must continue for the duration of this Order, unless specific authorization for temporary facility operation is given in accordance with the provisions of this Order.

b. **Specific Authorization to Operate Withdrawal Facility:**

i. **District Determination to Authorize Withdrawals:** The District will examine a number of water resource related factors when determining whether or not to authorize withdrawals from the affected water bodies. These factors include, but are not limited to considerations related to supply, demand, and resource impacts such as: (a) groundwater levels in the surficial aquifer in the Basins affected by this Order; (b) chloride level monitoring data and the risk of saline migration including whether a gradient favoring inland movement of the saltwater

front exists, and whether evidence exists of actual inland movement of the saltwater front; (c) water levels in the WCAs, Lake Okeechobee and the Central and Southern Florida Flood Control project canals; (d) rainfall projections; (e) time of the year; (f) canal water levels; (g) land uses affected by low water levels; (h) potential economic loss; (i) whether or not the USACE has authorized a deviation from the relevant WCA regulation schedule; (j) utility pumpage records; and (k) utility monitoring data.

ii. **Operational Requirements:** In addition to the District's authorization to withdraw water, the District will impose operational requirements including, but not limited to: (a) allocation amount, (b) definition of where the water allocation is to be delivered, (c) dates and times of operation, (d) hours of withdrawal facility operation, and (e) reporting requirements. In imposing operational requirements, the District will prioritize deliveries to canals recharging coastal wellfields.

iii. **Notice of Temporary Withdrawal Facility Operation:** In the event the District determines it is necessary to temporarily operate a specific withdrawal facility, such temporary operation will be specifically authorized by the following District staff: George Horne, Chip Merriam, Terrie Bates, Larry Carter, or Tom Olliff. In the event the identified District

staff authorizes temporary operation of a withdrawal facility, notification of such authorization will be made in writing using a "Temporary Operation Authorization" form, an example of which is attached as Exhibit B, and will be provided to the affected, individual permittee.

2. **Rainfall Events:** In the event of rainfall, users affected by this Order are directed to take all reasonable steps to hold as much water as possible within their surface water management systems, while still providing flood protection.
3. **Reporting Requirements:**
 - a. **Diversion and Impoundment Use Class Permittee Canal Water Level Reporting Requirements:** Every day the affected permittees shall provide the District with a report documenting the current, accurate canal water levels within their system. For those affected permittees whose surface water management system has more than one control elevation, a representative, daily water level from each sub-basin shall be provided. This information must be provided to the District via fax or e-mail, attention Ron Mierau at fax number: 561-681-2570 or rmierau@sfwmd.gov.
 - b. **Diversion and Impoundment Use Class Permittee Withdrawal Reporting:** In the event an affected permittee is temporarily authorized to operate a withdrawal facility, the permittee shall provide the District with documentation of the time of facility

operation and volume withdrawn. This information must be provided within 24 hours of completing the authorized facility operation to Ron Mierau via fax or e-mail at fax number: 561-681-2570 or rmierau@sfwmd.gov.

4. Operational Authorizations to Implement Deliveries to Targeted

Areas: The diversion and impoundment permitted users affected by this Order are authorized to:

a. Temporarily block (i.e. by use of coffer dams, dirt plugs, bolting plates, installing boards, or other temporary structure modifications) drainage ditches and structures, as necessary to efficiently manage water within limited segments of their canal networks to deliver water to targeted areas.

b. Pursuant to Section 373.119(2), F.S., and in recognition of the impending need of multiple users within the affected Basins to lower pump intakes or install additional temporary pump facilities, the Executive Director issues this Order authorizing the temporary installation and operation of pumping facilities located within the area which is the subject of this Order and lower intake of existing permitted facilities as needed. Application processing fees shall be waived for temporary installations authorized by this Order. This authorization shall last until this Order is rescinded. This Order shall automatically authorize users to install such temporary pumping facilities which are not located within the District's rights of way. Such temporary pumping facilities located within the District's rights of way are also authorized, so long as the following conditions are satisfied:

A. A written description of the temporary pumping facility or lowered intake is submitted to District staff which indicates the intent to temporarily enable the permitted consumptive user to access surface water at lower elevations.

B. An 8-1/2" x 11' drawing is submitted and clearly shows all additional temporary facilities to be placed within the District's right of way. Pump size and capacity as well as the diameter, length and elevation of any culvert installation must be depicted on the drawing.

C. The user provides reasonable assurances that all reasonable water quality protection measures necessary to avoid off-site impacts will be employed. Measures may include turbidity screens, hay bales, fuel spill containment tank, etc. Also, the user provides reasonable precautions to ensure that all temporary facilities do not increase wildfire potential.

D. The user provides reasonable assurances that the temporary installations, and the operation thereof, will not degrade or otherwise interfere with the integrity of any channel, bank, berm, levee, structure or any secondary channel, bank, berm, levee or structure.

E. The user provides reasonable assurances the temporary pumping units and appurtenant equipment shall be installed in such a manner so as to not block or otherwise interfere with District access. Piping shall be properly buried or bridged in a manner satisfactory to the District.

F. A 24-hour telephone contact person with a listing of the person's work, residence, mobile and pager numbers must be provided with the written submittal.

G. The written submittal must include a statement accepting application of all standard limiting conditions contained in Rule 40E-6.381, F.A.C., to the temporary pumping installation authorized by this Order.

H. Users must provide evidence of their pump installation design and intent to comply with the terms of this Order, along with appropriate 24 hour contact information at the site, in a visible, weatherproof pouch or cover.

I. The written submittal must include a statement accepting the requirement that all temporary facilities will be removed from the canal and right of way within 15 days after the Governing Board or Executive Director rescinds this Declaration of Water Shortage.

J. The written submittal must include a statement accepting the requirement that any canal right of way impacted by the placement of the

temporary facilities will be restored to the satisfaction of the District within 15 days after the Governing Board or Executive Director rescinds this Declaration of Water Shortage.

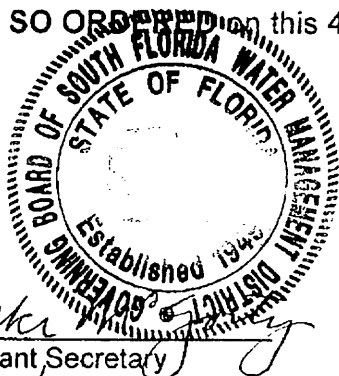
40. The Executive Director requests that every city and county commission, state and county attorney, sheriff, police officer and other appropriate local government official assist in the implementation and enforcement of this Water Shortage Order. The District staff will cooperate with the local governments in implementing such enforcement measures.

41. This Order may be modified or amended by action of the Governing Board or the Executive Director, as appropriate, in order to respond to changed resource conditions.

42. This Order shall become effective immediately upon execution and shall remain in effect until further modification by the Governing Board or the Executive Director. This Order may be rescinded or modified by the Executive Director or Governing Board, as conditions warrant.

43. A Notice of Rights is attached as Exhibit C.

DONE AND SO ORDERED on this 4th day of April, 2007.



ATTEST:

BY: *Jackie [Signature]*
Assistant Secretary

ON: 4/4/2007

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
BY ITS EXECUTIVE DIRECTOR

BY: *Carol Ann Wehle [Signature]*
CAROL ANN WEHLE
Executive Director

Legal Form Approved:

BY: *E. D. [Signature]*
Elizabeth D. Ross

EXHIBIT A

PERMIT	Project Name	COMPANY	Primary Contact	Phone	FAX
50-06951-W	LOXAHATCHEE MITIGATION BANK	TETRA TECH EC INC 759 S. Federal Hwy., Ste. 100 Stuart, FL 34994	Kristin Bennet	(772)781-3414	(772) 781-3411
50-05504-W	LOXAHATCHEE MITIGATION BANK	FOSTER WHEELER ENVIRONMENTAL CORPORATION 759 S. Federal Hwy., Ste 100 Stuart, FL 34994	Kristin Bennet	(772)781-3441	(772) 781-3411
50-05285-W	LOXAHATCHEE MITIGATION BANK	LOXAHATCHEE GROVES WCD PO Box 407 Loxahatchee, FL 33470	Clete Saunier	(561)793-0884	(561)795-6157
50-03711-W	SEMINOLE IMPROVEMENT DISTRICT	Seminole Improvement District 4001 Seminole Pratt Whitney Road Loxahatchee, FL 33470	Mr. Nathaniel Robert	(561) 793-1676	561-791-2651
50-01584-W	JUPITER TOWN OF RECHARGE SYSTEM	JUPITER TOWN OF 210 Military Trail Jupiter, FL 33458	Brown, David	561-741-2273	561-747-5634
50-01568-W	RECHARGE OF E-3 CANAL BASIN	BOCA RATON UTILITY SERVICES CITY OF 1401 Glades Road Boca Raton, FL 33431	Chris Helfrich	561) 338-7303	(561) 338-7345
50-00793-W	LAKE WORTH DRAINAGE DISTRICT	LAKE WORTH DRAINAGE DISTRICT 13081 Military Trail Delray Beach, FL 33484-1105	Patrick Martin/Ron C	(561)737-3835	(561)-495-9694
50-00548-W	ACME IMPROVEMENT DISTRICT	Village Wellington 14000 Greenbriar Boulevard Wellington, FL 33309	Gary Clough	(561)791-4045	(561)791-4000
06-02985-W	TRADEWINDS PARK	BROWARD COUNTY PARKS & RECREATION DIVISION 950 NW 38th Street Oakland Park, FL 33309		???	
06-02432-W	KIWANIS PARK	CITY OF CORAL SPRINGS 9551 W. Sample Road Coral Springs, FL 33065	Richard Michaud	954-344-1165	954-344-5959

EXHIBIT A

PERMIT	Project Name	COMPANY	Primary Contact	Phone	FAX
06-01174-W	SHUNSHINE WATER CONTROL DISTRICT	SUNSHINE WATER CONTROL DISTRICT 10300 NW 11th Manor Coral Springs, FL 33071	Mr. Doug Hyche	(954) 796-6617	954-757-4850
06-00837-W	NORTH BROWARD COUNTY RECHARGE PLAN	BROWARD COUNTY 2555 W. Copans Road Pompano Beach, FL 33069	John Crouse	(954)831-0765	954-831-3285
06-00274-W	NORTH SPRINGS IMPROVEMENT DISTRICT	NORTH SPRINGS IMPROVEMENT DISTRICT 10300 NW 11th Manor Coral Springs, FL 33071	Mr. Doug Hyche	(954) 796-6617	954-757-4850
06-00185	OLD PLANTATION WATER CONTROL DISTRICT	OLD PLANTATION WATER CONTROL DISTRICT PO box 15405 Plantation, FL 33318	Mr. Patrick O'Quinn	(954) 472-5596	954-472-5950
06-00100-W	CORAL SPRINGS IMPROVEMENT DISTRICT	CORAL SPRINGS IMPROVEMENT DISTRICT 10300 NW 11th Manor Coral Springs, FL 33071	Mr. Doug Hyche	(954) 796-6617	954-757-4850
	NORTHERN PALM BEACH COUNTY IMPROVEMENT	NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 357 Hiatt Drive Palm Beach Gardens, FL 33418	Mr. O'neal Bardin	(561) 624-7830	(561)624-7839
	INDIAN TRAIL IMPROVEMENT DISTRICT	Indian Trail Improvement District 13476 61st Street North West Palm Beach, FL 33415	Robert Meams	561-793-0874	561-792-3716

Temporary Authorization of Withdrawal Facility Operation

Permittee's Name: _____

Withdrawal Facility and Delivery Location: _____

Day(s) and time of operation: _____

Hours of operation: _____

Signed: _____

Dated: _____

EXHIBIT B

NOTICE OF RIGHTS

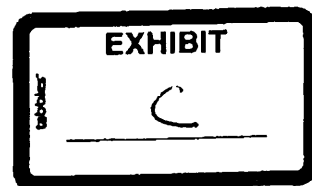
As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing and/or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

Right to Request Administrative Hearing

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569, 120.57, and 120.60(3), Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision in accordance with Rule 28-106.111, Fla. Admin. Code. Any person who receives written notice of a District decision and fails to file a written request for hearing within 21 days waives the right to request a hearing on that decision as provided by Subsection 28-106.111(4), Fla. Admin. Code.

The Petition must be filed at the Office of the District Clerk of the SFWMD, 3301 Gun Club Road, P.O. Box 24680, West Palm Beach, Florida, 33416, and must comply with the requirements of Rule 28-106.104, Fla. Admin. Code. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Pursuant to Rule 28-106.104, Fla. Admin. Code, any document received by the office of the District Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.

- Filings made by mail must include the original and one copy and must be addressed to the Office of the District Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must also include the original and one copy of the petition. **Delivery of a petition to the District's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the District's security officer to contact the Clerk's office.** An employee of the District's Clerk's office will file the petition and return the extra copy reflecting the date and time of filing.
- Filings by facsimile must be transmitted to the District Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the District Clerk receives the complete document.



The following provisions may be applicable to SFWMD actions in combination with the applicable Uniform Rules of Procedure (Subsections 40E-0.109(1)(a) and 40E-1.511(1)(a), Fla. Admin. Code):

- (1)(a) "Receipt of written notice of agency decision" as set forth in Rule 28-106.111, Fla. Admin. Code, means receipt of either written notice through mail or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action.
- (b) If notice is published pursuant to Chapter 40E-1, F.A.C., publication shall constitute constructive notice to all persons. Until notice is published, the point of entry to request a formal or informal administrative proceeding shall remain open unless actual notice is received.
- (2) If the District's Governing Board takes action which substantially differs from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law. The District Governing Board's action is considered to substantially differ from the notice of intended agency decision when the potential impact on water resources has changed.
- (3) Notwithstanding the timeline in Rule 28-106.111, Fla. Admin. Code, intended agency decisions or agency decisions regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands pursuant to Section 373.427, Fla. Stat., shall provide a 14 day point of entry to file petitions for administrative hearing.

Hearings Involving Disputed Issues of Material Fact

The procedure for hearings involving disputed issues of material fact is set forth in Subsection 120.57(1), Fla. Stat., and Rules 28-106.201-.217, Fla. Admin. Code. Petitions involving disputed issues of material fact shall be filed in accordance with Rule 28-106.104, Fla. Admin. Code, and must comply with the requirements set forth in Rule 28-106.201, Fla. Admin. Code.

Hearings Not Involving Disputed Issues of Material Fact

The procedure for hearings not involving disputed issues of material fact is set forth in Subsection 120.57(2), Fla. Stat., and Rules 28-106.301-.307, Fla. Admin. Code. Petitions not involving disputed issues of material fact shall be filed in accordance with Rule 28-106.104, Fla. Admin. Code, and must comply with the requirements set forth in Rule 28-106.301, Fla. Admin. Code.

Mediation

As an alternative remedy under Sections 120.569 and 120.57, Fla. Stat., any person whose substantial interests are or may be affected by the SFWMD's action may choose to pursue mediation. The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-.405, Fla. Admin. Code. Choosing mediation will not adversely affect the rights to a hearing if mediation does not result in a settlement.

DISTRICT COURT OF APPEAL

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

NOTICE OF RIGHTS

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Hearings Not Involving Disputed Issues of Material Fact

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EXHIBIT A

PERMIT	PROJECT NAME	COMPANY	PRIMARY CONTACT	PHONE	FAX
50-06951-W 50-05504-W	LOXAHATCHEE MITIGATION BANK	Tetra Tech EC Inc. 759 S. Federal Hwy, Ste. 100 Stuart, FL 34994	Pat Zulago	772-781-3400	772-781-3411
50-05285-W	LOXAHATCHEE GROVES WATER CONTROL DISTRICT	Loxahatchee Groves WCD PO Box 407 Loxahatchee, FL 33470	Clete Saunier	561-793-0884	561-795-6157
50-03711-W	SEMINOLE IMPROVEMENT DISTRICT	Seminole Improvement District 4001 Seminole Pratt Whitney Rd Loxahatchee, FL 33470	Nathaniel Robert	561-793-1676	561-791-2651
50-01584-W	JUPITER TOWN OF RECHARGE SYSTEM	Town of Jupiter 210 Military Trail Jupiter, FL 33458	David Brown	561-741-2273	561-747-5634
50-01568-W	RECHARGE OF E-3 CANAL BASIN	City of Boca Raton Utility Services 1401 Glades Road Boca Raton, FL 33431	Chris Helfrich	561-338-7303	561-338-7345
50-00793-W	LAKE WORTH DRAINAGE DISTRICT	Lake Worth Drainage Dist 13081 Military Trail Delray Beach, FL 33484-1105	Patrick Martin	561-737-3835	561-495-9694
50-00548-W	ACME IMPROVEMENT DISTRICT	Village of Wellington 14000 Greenbriar Blvd Wellington, FL 33309	Gary Clough	561-791-4045	561-791-4000
50-02123-W	NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT	Northern Palm Beach County Improvement District 357 Hiatt Drive Palm Beach Gardens, FL 33418	O'neal Bardin	561-624-7830	561-624-7839
50-02564-W	INDIAN TRAIL IMPROVEMENT DIST	Indian Trail Improvement District 13476 61 st Street North West Palm Beach, FL 33415	Robert Mearns	561-793-0874	561-792-3716
50-00615-W	CITY OF WEST PALM BEACH (UTILITIES)	City of West Palm Beach 1000 45 th Street Unit 15 West Palm Beach, FL 33407	Marjorie Craig	561-494-1040	561-494-1116

EXHIBIT C

EXHIBIT A

PERMIT	PROJECT NAME	COMPANY	PRIMARY CONTACT	PHONE	FAX
06-02985-W	TRADEWINDS PARK	Broward County Parks & Recreation Division 950 NW 38 th Street Oakland Park, FL 33309	Gayle Preston	954-968-3890	954-973-0330
06-02432-W	KIWANIS PARK	City of Coral Springs 9551 W. Sample Road Coral Springs, FL 33065	Richard Michaud	954-344-1165	954-344-5959
06-01174-W	SUNSHINE WATER CONTROL DIST	Sunshine Water Control District 10300 NW 11 th Manor Coral Springs, FL 33071	Doug Hyche	954-796-6617	954-757-4850
06-00837-W	NORTH BROWARD CO RECHARGE PLAN	Broward County 2555 W. Copans Road Pompano Beach, FL 33069	John Crouse	954-831-0765	954-831-3285
06-00274-W	NORTH SPRINGS IMPROVEMENT DIST	North Springs Improvement Dist 10300 NW 11 th Manor Coral Springs, FL 33071	Doug Hyche	954-796-6617	954-757-4850
06-00185	OLD PLANTATION WATER CONTROL DISTRICT	Old Plantation Water Control District PO BOX 15405 Plantation, FL 33318	Patrick O'Quinn	954-472-5596	954-472-5950
06-00100-W	CORAL SPRINGS IMPROVEMENT DIST	Coral Springs Improvement District 10300 NW 11 th Manor Coral Springs, FL 33071	Doug Hyche	954-796-6617	954-757-4850

EXHIBIT C